

an up-or-down vote. This is rank hypocrisy. When the tables were turned, Republicans filibustered President Bill Clinton's choice for surgeon general, forcing him to choose another. And Bill Frist, the Senate majority leader, who now finds judicial filibusters so offensive, himself joined one against Richard Paez, a Clinton appeals court nominee.

Yet these very same Republicans are threatening to have Vice President Dick Cheney rule from the chair that a simple majority can confirm a judicial nominee rather than the 60 votes necessary to stop a filibuster. This is known as the "nuclear option" because in all likelihood it would blow up the Senate's operations. The Senate does much of its work by unanimous consent, which keeps things moving along and prevents ordinary day-to-day business from drowning in procedural votes. But if Republicans change the filibuster rules, Democrats could respond by ignoring the tradition of unanimous consent and making it difficult if not impossible to get anything done. Arlen Specter, the Pennsylvania Republican who is chairman of the Judiciary Committee, has warned that "the Senate will be in turmoil and the Judiciary Committee will be hell."

Despite his party's Senate majority, however, Mr. Frist may not have the votes to go nuclear. A sizable number of Republicans—including John McCain, Olympia Snowe, Susan Collins, Lincoln Chafee and John Warner—could break away. For them, the value of confirming a few extreme nominees may be outweighed by the lasting damage to the Senate. Besides, majorities are temporary, and they may want to filibuster one day.

There is one way to avert a showdown. The White House should meet with Senate leaders of both parties and come up with a list of nominees who will not be filibustered. This means that Mr. Bush—like Presidents Bill Clinton, Ronald Reagan and George H.W. Bush before him—would agree to submit nominees from the broad mainstream of legal thought, with a commitment to judging cases, not promoting a political agenda.

The Bush administration likes to call itself "conservative," but there is nothing conservative about endangering one of the great institutions of American democracy, the United States Senate, for the sake of an ideological crusade.

The ACTING PRESIDENT pro tempore. The Senator yields back.

The Senator from Vermont.

Mr. LEAHY. Mr. President, in light of the speech of my distinguished colleague from Utah, I have a few comments I think I will make about this issue.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEAHY. What is the parliamentary situation, Mr. President? Are we in morning business?

The ACTING PRESIDENT pro tempore. Morning business, with a 10-minute time limit.

Mr. LEAHY. Thank you.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Vermont be allowed to speak for more than 10 minutes. I certainly did. I want to be sure he has the same courtesy.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

#### RELIGIOUS MCCARTHYISM

Mr. LEAHY. Mr. President, I thank my friend from Utah for his usual cour-

tesy. After all, he has in his lineage a Senator. His father, as does he, served as a Senator. He knows, as did his father, the normal courtesies that make this place run so much more smoothly. So I appreciate it.

I spoke at the beginning of the week about the alarming rise of religious McCarthyism. I hoped that by drawing attention to this situation the majority leader and other Republican leaders would speak out against any campaign that improperly characterizes Senators as being "against people of faith." That demonizing of Senators and their motives has no place in this country, and absolutely none in debate among Senators. It is a slur. It is a smear. It is untrue. Every Senator, Republican and Democratic, knows it. The Republicans should denounce a campaign based on bigotry and demagoguery.

With rare exceptions, they have refused to do so. And even the majority leader will apparently act in support of such a campaign this weekend.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. LEAHY. Mr. President, I will yield for one, but I would prefer—

Mr. BENNETT. It is only one.

I wonder if the Senator heard my denunciation of that kind of thing when I gave my speech?

Mr. LEAHY. I was about to refer to that. So I now do refer to the fact that the Senator from Utah said people should not be demonized as being against people of faith if they oppose somebody.

I appreciate it. It is the first time I have heard that said on his side of the aisle. Unfortunately, many others have been saying just the opposite. That is why I wish the majority leader would not act in support of such a campaign this weekend.

The upcoming telecast to incite congregants with the false charge that those who oppose judicial activists are anti-Christian or anti-faith is wrong. It is divisive and it is destructive. That Republican officials will lend support to that effort through their silence, rather than denounce it, is disturbing and disappointing. I appreciate the Senator from Utah, Mr. BENNETT, finally speaking out, or having a voice finally speak out from that side of the aisle denouncing it.

To divide the American people along religious lines is wrong. It has always been wrong. Smearing political opponents as anti-faith is despicable. Apparently, some will stop at nothing and stoop to any level. No scurrilous charge is too coarse; no baseless accusation is too outlandish. When a few of us had the honor of attending the funeral of Pope John Paul II in Rome as part of the official Senate delegation recently, guess what happened. Democrats, but not Republicans, were castigated for not being present in Washington. There were, of course, seven Republicans and seven Democrats. The same people who make these charges castigated the Democrats for being in Rome.

When we explain in public session the basis on which we have decided to oppose a nomination of somebody we believe does not merit a lifetime appointment to the Federal bench, the judicial activism we detail is ignored and we are smeared as anti this or anti that. So I thank the many religious leaders who have come forward this week to uphold America's great traditions of respecting faith, honoring faith, and ensuring that the constitutional prohibition against any religious test for public office be strictly observed.

Christian leaders from a variety of denominations, Muslim leaders, and Jewish leaders, have joined to reject these disgraceful efforts of a few partisans injecting religion into the discussion of judicial nominations. They have publicly denounced the efforts of the religious demagogues making slanderous charges in a win-at-all-costs bid to rile the passions and to further divide Americans one from another. I am grateful for the voices of these religious leaders. We need less division, not more. We need to work together more, not less. We need to unite, not divide.

I share the disappointment of the more than 400 religious leaders who have written to Majority Leader FRIST urging him to "repudiate those who misuse religion for political purposes and who impugn the faith of any who disagree with them."

All of us need to repudiate the message of divisiveness and religious manipulation.

The Reverend Dr. Weldon Gaddy, president of the Interfaith Alliance, recently wrote to Senator FRIST to warn against transforming "religion by baptizing it as a disciple of partisan politics."

Abraham Foxman, national director of the Anti-Defamation League, reminded Senator FRIST:

Religious liberty has flourished in our nation precisely because Americans have been steadfast in their commitment against sowing religious discord as a means to achieve political success.

My Irish and my Italian grandparents, like so many others, came to this country seeking a better life for their families, not just a better job but the freedoms that have always been so much a part of America's great attraction. But it has taken time and pain for us to realize as a nation that dream of religious freedom and tolerance.

I remember my parents talking about days I thought were long past, when Irish Catholics were greeted with signs that told them they need not apply for jobs. Italian Catholics were told that they and their religious ways were not wanted. That is what my grandparents experienced and my parents saw. The smears we are seeing today mock the pain and injustice that so many American Catholics endured. We have come too far to turn back to the darkness of intolerance.

Partisans these days are seeking to rekindle the flames of bigotry for

short-term political gain. That is more than just wrong, it is despicable. To raise the specter of religious intolerance in order to try to turn our strong, independent Federal courts into an arm of a political party is an outrage. It is shocking that some would cavalierly destroy the independence of our Federal courts and with it the best protection Americans have of our freedoms.

This tactical shift follows on the rhetorical attacks on judges over the past few weeks in which Federal judges were likened to the KKK and "the focus of evil." At an event attended by Members of Congress, we have heard calls for Stalinist solutions to problems; the Stalinist solution being, of course, if you have somebody you don't agree with, you kill them. Stalin said: No man, no problem.

We have heard the calls for mass impeachments. Last week the Senate Democratic leadership called upon the President and the Republican leadership of Congress to denounce the inflammatory statements against judges. This week I renew my call to all Senators—and in particular to my friends on the other side of the aisle, the Republicans—to denounce the religious McCarthyism that is again pervading this debate. I am sad to see so many Senators stay silent when they should disavow these abuses. Why Republicans do not heed the clarion call that our former colleague, Senator John Danforth, an Episcopalian priest, sounded a few weeks ago, I don't know.

The demagoguery and divisive politics being so cynically used by supporters of the President's most extreme judicial nominees needs to stop. These smears are lies and, like all lies, depend on the silence of others to live and to gain root. It is time for the silence to end. The Bush administration has to accept responsibility for the smear campaign. They have to end it. This kind of religious smear campaign doesn't just hurt Democrats, it hurts the whole country. It hurts Christians and it hurts non-Christians. It hurts all of us because the Constitution requires judges to apply the law, not their personal views. Remember that all of us, no matter what our faith—and I am proud of mine—are able to practice our religion as we choose or not to practice a religion. The beauty of the first amendment is we can practice any religion we wish or none if we wish. It is a fundamental guarantee of our Constitution. The Constitution's prohibition against a religious test in Article VI is consistent with that fundamental freedom.

All Americans should understand the Constitution is there to protect all of us. It is the protection of the Constitution that has allowed this country to evolve into a tolerant Nation. It was not always a tolerant Nation; it has evolved into one. But the Constitution has protected that evolution.

Those who would try to drag us back into religious intolerance for short-

term political gains subvert the Constitution and damage the country. There are those who say that we are against people of faith if we have opposed a handful of the President's nominees. By their false logic, the 205 judicial nominees nominated by President Bush whom Democratic Senators have helped to confirm would seem not to be people of faith, if that is our litmus test. Of course, that is as false and ridiculous on its face as are the slurs being insinuated against those who have opposed the few other nominees who have not been confirmed.

Those who hurl these false charges never mention that the same Senators they are slandering have supported hundreds of nominees who are people of faith. They never hesitate to stoke the flames of bigotry and to encourage their supporters to continue the smear in cyberspace or the pages of the newspapers or through direct mail or radio ads. Maybe this slander is the only thing that tests well in their political polls so that even though untrue, it is the one thing they can agree upon. Sort of the equivalent of the weapons of mass destruction, the justification for attacking Iraq: it turned out it wasn't true, but it was certainly convenient.

Not only must this bogus religious test end, but Senators should denounce the launching of the so-called nuclear option, the Republicans' precedent-shattering proposal to destroy the Senate in one stroke while shifting more power over the Senate to the White House, to destroy the kind of checks and balances the Senate has historically had.

I would like to keep the Senate safe and secure and in a "nuclear-free" zone. The partisan power play Senate Republicans are now likely to employ will undermine the checks and balances established by the Founders in the Constitution. One of the beauties of this country is we have always had checks and balances. That is how the most powerful Nation on Earth remains a democracy, and it does not have the temptation to become a dictatorship, something that none of us, Republicans or Democrats, would want.

If you remove the checks and balances so that you can nominate judges who will be basically an arm of one element of the Republican Party, then you have taken a giant leap toward an unfettered executive controlling all three branches of the Federal Government—a Republican-controlled House, Republican-controlled Senate, the Presidency, and now the Federal judiciary, the one part that should be above politics.

It will not only demean the Senate—a Senate I have been proud to serve in for 31 years—but it will destroy the comity on which it depends. It also will undermine the strong independent Federal judiciary that has protected the rights and liberties of all Americans against the overreaching of the political branches, whether the branch is

controlled by Democrats or by Republicans.

Our Senate Parliamentarian, who steps away from politics and simply tells us what the rules are, and the Congressional Research Service, the nonpartisan Congressional Research Service, have both said the so-called nuclear option would violate Senate precedent. I would ask my friends on the Republican side, do you really want to blatantly break the rules just for some short-term political gain? Do you really want to turn the Senate, this unique Chamber, into a place where the parliamentary equivalent of brute force is what prevails?

The recently constituted Iraqi National Assembly was elected in January. In April it acted pursuant to its governing law to select a presidency council by the required vote of two-thirds of the Assembly. It required two-thirds, a supermajority. That same governing law says it can only be amended by a three-quarters vote of the National Assembly. The use of the nuclear option in the Senate would be akin to the Iraqis in the majority political party of the Assembly saying they have decided to change the law to allow them to pick only members of their party for the government, and to do so by a simple majority vote.

That is certainly different than what our own President has praised it for in requiring that supermajority. They might feel justified in acting contrary to law because the Kurds and the Sunni were driving a hard bargain and because governing through consensus is not as easy as ruling unilaterally. Governing by consensus is not supposed to be. That is why our system of government is the world's example.

If Iraqi Shiites, Sunnis, and Kurds can cooperate in their new government to make democratic decisions, I would think it would be a lot easier for Republicans and Democrats to do so in the Senate. If the Iraqi law and Assembly can protect minority rights and participation, so can the rules in the Senate. That has been the defining characteristic of the Senate. It is one of the principal ways in which it was designed to be so distinct from the House of Representatives.

This week, the Senate debated an emergency supplemental appropriations bill to fund the war efforts in Iraq and Afghanistan. The justification for these billions of dollars being spent every single week—billions of dollars in American taxpayers' money—is that we are seeking to establish democracies.

How ironic that at the same time we are undertaking these efforts at great cost to so many American families, some are seeking to undermine the protection of minority rights and the checks and balances represented by the Senate through our own history.

This week the Secretary of State said in Moscow that "the centralization of the state power in the presidency at the expense of countervailing institutions like the Duma or an independent

judiciary is clearly very wrong.” Just as those developments undercut democracy in Russia, so, too, our American democracy is undercut by the concentration of power in the Executive, removing checks and balances and undermining the independence of the Federal judiciary. It is ironic given that the President and Secretary of State speak so eloquently about the fundamental requirements of a democratic society—and I applaud them for doing that. They do it when they meet with President Putin of Russia. At the same time, the Bush administration and Senate Republicans are intent to employ the nuclear option to consolidate power in this Presidency in this country.

The President has, in his own words, acknowledged that democracy relies on the sharing of power. I publicly applauded his inaugural speech when he talked about this issue. He acknowledged that democracy relies on the sharing of power, on checks and balances, on the independent court system, the protection of minority rights, and on safeguarding human rights and dignity. But the so-called nuclear option is in direct contradiction to maintaining those values and those components of our democracy.

Just as Abu Ghraib and other abuses make it more difficult for our country effectively to condemn torture and abuse when we speak to the rest of the world, the nuclear option used as a partisan effort to consolidate power in a single political party and institution would make all the lectures on democracy we give to leaders of other countries ring hollow.

I spoke to a group of Russian Parliamentarians—if I might tell a short story—who came to see me shortly after the Soviet Union collapsed. They wanted to talk about our Federal judiciary. Like other representatives I heard in other emerging democracies, they asked: “Is it true that the U.S. Government might be a party in a lawsuit, but then the Government could lose?”

I said: Absolutely right.

They said: You mean people would dare to sue the Government?

I said: It happens all the time. We have an independent judiciary. Yes, they could.

They said: Well, if the Government actually lost, don't you fire the judge?

I said: No, they are an independent judiciary.

I have argued cases on behalf of the Government where it might have been nice to fire the judge, but that is not the way we do things. It amazes people in other parts of the world. They are amazed that people have disagreed with their Government and could actually go to court, bring a challenge, and seek redress, even if it meant the Government would have to lose to get that redress.

Chief Justice Rehnquist is right to refer to our independent judiciary as the crown jewel of our democracy. It is

more than a crown jewel, it is a dazzling jewel, a light to the rest of the world, especially those parts of the world that want to become democratic nations.

Judicial fairness and independence is also essential if we are to maintain our freedoms. I would say to the majority leader of the other body, Mr. DELAY, and others, stop slamming the Federal judiciary. We don't have to agree with every one of their opinions. And we don't on either side. Let us respect their independence.

When the U.S. Supreme Court decided the Presidential election in 2000, I thought that the 5-to-4 majority—a very close majority, a one-vote majority—engaged in an incredible and overreaching act of judicial activism. But I went on the floor of the body and before the television cameras and I called for Americans to respect the opinion of the Court, even though I disagreed with it.

On the Judiciary Committee at the time, I attended the argument of *Bush v. Gore*, side by side with my Republican counterpart. We wanted to show the country that we had to get along and work together. Democrats didn't ask to impeach Justice Scalia when we wholeheartedly disagreed with his action. Instead we took to the floor of this body and the other body and to the airwaves and said the Supreme Court has spoken. We must uphold the decision of the Court.

Part of upholding the Constitution is upholding the independence of the third branch of Government. One political party or the other will control the Presidency, as they have for over 200 years. One party or the other will control Congress.

In my 30 years here, I have been in the majority several times and in the minority several times. These things go back and forth. No political party should control the judiciary. It has to be independent of all political parties. Think of it, that was the genius of the Founders of this country: one branch of Government, totally independent of the other, independent of political parties. That genius has protected our liberties and rights for well over 200 years. It is a genius of this country that will continue to protect us, unless we allow some to destroy it for short-term political gain. It would be a terrible diminution of our rights if we were to remove the independence of our Federal judiciary. We are liable to do something that no army that marched against us have ever been able to do to this most wonderful of democracies. If you take away the independence of our Federal judiciary, then our whole Constitutional fabric unravels. And that bright promise that brought my ancestors here from Italy and Ireland would be diminished—the bright promise that I hope continues for my children and grandchildren.

Mr. President, I have spoken long and I appreciate the courtesy of my colleague from Utah.

I close by asking unanimous consent that copies of letters sent by hundreds of religious leaders to Senator FRIST, the letter from the Interfaith Alliance to Senator FRIST, the statement by the National Council of Churches, the letter from the Anti-Defamation League to Senator FRIST, and a statement from Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 21, 2005.

AMERICAN RELIGIOUS LEADERS AND SUPPORTERS OPPOSED TO “JUSTICE SUNDAY’S” MANIPULATION OF FAITH

Hon. BILL FRIST,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR FRIST: We write as religious leaders who cherish America's distinctive tradition of religious respect, tolerance, and pluralism.

We write as members of religious traditions that revere truth and are guided by prophetic calls to seek justice.

We are gravely disappointed that you have lent support to those who are trying to create confusion and sow division with false charges of religious discrimination and persecution. Good people can and do differ on policy questions like the filibuster. We emphatically reject claims that those who seek to uphold the country's traditions of checks and balances are forcing Christians to choose between their faith and public service.

It is simply not truthful to assert that supporting the filibuster amounts to an attack on people of faith. Most, perhaps all, of the 95% of the Bush nominees who have been approved, have been people of faith. They enjoyed support from both sides of the aisle.

As Senate Majority Leader, you have a responsibility to defend your colleagues on both sides of the aisle, public servants whom you know to be deeply religious people, from shameful and divisive accusations that they are attacking people of faith. You have a responsibility to defend the Nation from efforts utilizing deception and fear-mongering to manipulate Americans of faith. And, perhaps most importantly, as one of our Nation's highest elected officials, you have a responsibility to repudiate those who misuse religion for political purposes and who impugn the faith of any who disagree with them.

Your participation in the “Justice Sunday” event gives your personal stamp of approval and legitimizes an event built on inflammatory falsehoods. We urge you either to withdraw your participation in this event or, if you participate, to use that opportunity to repudiate the message of divisiveness and religious manipulation that is at the core of the gathering.

Sincerely,

Signed by 406 religious leaders.

APRIL 17, 2005.

Hon. WILLIAM FRIST,  
*Senate Majority Leader, U.S. Capitol, Wash-*  
*ington, DC.*

DEAR SENATOR FRIST: As President of The Interfaith Alliance, a national, grassroots organization with 150,000 members coming from over 75 different faith traditions, I write to you again about your interest in introducing to the United States Senate your so-called “nuclear option.” However, the focus of this open letter to you is the association being made between a person's political position on the nuclear option and the

legitimacy of that person's religion. Though my personal language to you does not reflect the precise manner in which each of our 150,000 members would speak to you, the crucial concern in my message to you represents a primal interest and resonates with the mindset of these diverse individuals in this inter-religious movement.

Senator Frist, I suppose it was bound to happen. Leaders of the religious right and politicians pushing a partisan agenda in the name of religion have so intermingled politics and religion that, now, even you, the leader of the United States Senate, appear unable to discern the difference between authentic faith and partisan politics. I can think of no other reason that you would address a group of people and even offer encouragement to people who have announced that opposition to the elimination of the filibuster signals antipathy toward religious faith, thus fostering a redefinition of religion that is blasphemy and a redefinition of democracy that is scary.

Politically-based judgments about faith are inappropriate at best, but, at worst, they raise suspicions about the motivations of those who make them. Do such politically-motivated judgments about religion come from people—political leaders or spiritual leaders—attempts to manipulate religion to advance their personal brand of politics? Regardless of the reason for the out-of-bounds judgment, the judgment does not work. Oh, to be sure, it may gain a person or a group an edge in political advantage, but it fails as a valid criterion for evaluating religion. A particular political posture never will be the standard by which to measure the authenticity of a religious conviction! Even the suggestion that a person's support or opposition to religious faith can be determined by that person's support or opposition to a political initiative called "the nuclear option" is derogatory of religion and an insult to democracy. I would think that you would want to disassociate yourself from such thought.

Though I personally disagree with your enthusiasm for eradicating the historic practice of the filibuster, viewing your efforts as a broadside to a democracy that values the rights of the minority whether in the Senate or in society as a whole, I never would pass judgment on the integrity of your religious faith because of your commitment to that political strategy.

Senator Frist, I grew up in the state that you represent. In a fundamentalist Baptist church in West Tennessee, I was taught the value of religious liberty—its value for Christianity and its value for government. The people in that congregation knew the sad history of a denial of rights to religious minorities prior to the passage of the First Amendment to the Constitution. With gratitude to God for that invaluable education, my conviction about the dangers of entangling religion and government (not faith and politics) has intensified across the years. Please understand that many of us are scared to death that we see a precious constitutional principle being dismantled in order for a few religious people who claim to speak for all religious people to have their religious views imposed on the entire population of the nation through the power of the United States government.

With a religious conscience as enflamed as the conscience of anybody in the religious right, I oppose the election of judges who will, in the name of religion, make decisions that politicize religion and blunt the vitality as well as compromise the integrity of the rich religious community in this nation. Must my religious conviction be attacked as "anti-faith" simply because I do not agree with you when you attempt to destroy a

democratic process that has been tried and true? If I feel that way as a person who is a member of your faith tradition, you only can imagine what people from other religious traditions and people within no religious tradition are feeling about such tactics and the implicit, if not explicit, endorsement of those tactics by you and other political leaders.

For you to use your prestigious Senate position to encourage ferocious attacks on the judiciary launched by the people to whom you plan to speak next Sunday and for you to condone their framing of partisan political posturing as an act of faith so that all who are opposed to their theocratic aggression are dubbed anti-religion are insults to the Senate, a blow to democracy, and a cause for great anxiety in the broader community committed to the historic values of democracy.

All of us should be clear in understanding that the most anti-faith initiatives in our nation right now are those that seek to transform religion by baptizing it as a disciple of partisan politics. A call for respect for balancing the three branches of government and for respecting minority voices in Congress even as in society is not a religious act, but it is a pervasively patriotic act on the part of people who feel like a few are trying to steal the nation from the many in the same way that they have tried to hijack religion and claim that only their voices represent people of faith.

Members of The Interfaith Alliance like me personally love this nation too much and appreciate the role of religion in the nation too much to allow a destructive entanglement of religion and politics to go without challenge. I urge you to reconsider your commitment to speak to a group on Sunday evening that seems to love the nation only when the leaders of the nation favor their particular religion and their preferences in politics. If you proceed with the speech, however, I urge you to make clear that neither your politics nor their politics, whether those two are the same or different, represent a religious position. Even though you will be speaking to people gathered in a church, we all know that you are doing politics and claiming a divine blessing depicted as exclusive to your position. Such an act has no place in a house of worship or, for that matter, in the repertoire or rhetoric of a statesman in this great, diverse nation.

Sincerely,

REV. DR. C. WELTON GADDY,  
*President, The Interfaith Alliance Pastor of  
Preaching and Worship, Northminster Baptist  
Church, Monroe, Louisiana  
Member of the Council of 100 Leaders, World  
Economic Forum.*

#### DISAGREEING WITHOUT DEMONIZING

A partisan political campaign to change the Senate filibuster rules has taken a detour through church-state territory, and NCC General Secretary Bob Edgar has challenged the tactics as "dangerous and divisive" to the nation's religious and public life. In a statement issued Tuesday, Edgar says:

"We are surprised and grieved by a campaign launched this week by Family Research Council and Senate Majority Leader Bill Frist, who said that those who disagree with them on President Bush's judicial nominees are 'against people of faith.'

"This campaign, which they are calling 'Justice Sunday,' should properly be called 'Just-Us' Sunday. Their attempt to impose on the entire country a narrow, exclusivist, private view of truth is a dangerous, divisive tactic. It serves to further polarize our nation, and it disenfranchises and demonizes

good people of faith who hold political beliefs that differ from theirs.

"To brand any group of American citizens as 'anti-Christian' simply because they differ on political issues runs counter to the values of both faith and democracy. It is especially disheartening when that accusation is aimed at fellow Christians. The National Council of Churches encompasses more than 45 million believers across a broad spectrum of theology and politics who work together on issues important to our society. If they disagree with Senator Frist's political positions, are these 45 million Christians now considered 'anti-Christian'?"

"In the spirit of 1 Timothy 6:3-5, we urge Senator Frist and the Family Research Council to reconsider their plan. We will be praying for the Lord to minister to them and change their hearts so that they will not continue to take our nation down this destructive path."

APRIL 15, 2005.

Hon. BILL FRIST  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR FRIST: We are deeply troubled by reports that you will be participating in the upcoming telecast "Justice Sunday," scheduled for April 24, and we strongly urge you to reconsider lending support to that program. The heated debate regarding the status of the filibuster in the United States Senate is a quintessentially political contest, not a religious struggle. Nor should it be portrayed as such. Whatever one's views may be on this or any other issue, playing the "religious" card is as unacceptable as playing the "race" card.

The proposal to change the Senate's procedural rules draws both support and opposition from people of all faiths, as well as from citizens who do not ascribe to religious beliefs. "Justice Sunday's" message—that the filibuster is being used as a weapon in the judicial confirmation process to discriminate against "people of faith"—is deeply flawed and a dangerous affront to fundamental principles of American democracy.

Religious liberty has flourished in our nation precisely because Americans have been steadfast in their commitment against sowing religious discord as means to achieve political success. History shows that doing otherwise promotes destructive religious competition, discrimination, and even persecution. Responsible leaders must avoid taking this country down that road.

Sincerely,

ABRAHAM H. FOXMAN,  
*National Director.*

[From the Religious Action Center of Reform Judaism, April 15, 2005]

REFORM JEWISH MOVEMENT CALLS ON SENATOR FRIST TO REPUDIATE CLAIM THAT JUDICIAL NOMINEES ARE VICTIMS OF A "FILIBUSTER AGAINST FAITH"

WASHINGTON—In response to Senate Majority Leader Bill Frist's plan to join a telecast whose organizing theme is that those who oppose some of President Bush's judicial nominees are engaged in an assault on "people of faith," Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, issued the following statement:

The news that Senate Majority Leader Bill Frist plans to join a telecast whose organizing theme is that those who oppose some of President Bush's judicial nominees are engaged in an assault on "people of faith" is more than troubling; it is disingenuous, dangerous, and demagogic. We call on him to reconsider his decision to appear on the telecast and to forcefully disassociate himself from this outrageous claim.

Senator Frist must not give legitimacy to those who claim they hold a monopoly on faith. They do not. They assert, in the words of Tony Perkins, president of the Family Research Council and organizer of the telecast, that there is a vast conspiracy by the courts "to rob us of our Christian heritage and our religious freedoms." There is no such conspiracy. They have been unable to ram through the most extreme of the President's nominees, and now they are spinning new claims out of thin air.

Alas, this is not an isolated incident. This past week, the Christian Coalition convened a conference in Washington entitled, "Confronting the Judicial War on Faith." Their special guest speaker was the House Majority Leader, Rep. Tom DeLay. When leaders of the Republican Party lend their imprimatur to such outrageous claims, including, at the conference, calls for mass impeachment of Federal Judges, it should be of deep concern to all who care about religion. It should also be of concern to President Bush whose silence, in the wake of the claims made both at the conference in Washington and in the upcoming telecast, is alarming.

The telecast is scheduled to take place on the second night of the Passover holiday, when Jews around the world gather together to celebrate our religious freedom. It was in part for exactly such freedom that we fled Egypt. It was in part for exactly such freedom that so many of us came to this great land. And it is in very large part because of exactly such freedom that we and our neighbors here have built a nation uniquely welcoming to people of faith—of all faiths. We believe Senator Frist knows these things as well. His association with the scheduled telecast is, in a word, shameful. We call upon him to disassociate himself from the claim that the Senate is participating in a filibuster against faith, and to withdraw his participation from April 24th event.

Mr. LEAHY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, today, as in previous years, I would like to honor the memory of the victims of the Armenian genocide. This year marks the 90th anniversary of the brutal campaign to eliminate Armenians from the Turkish Ottoman Empire.

April 24 was chosen as the day of remembrance because on that date in 1915, more than 5,000 Armenians including civic leaders, intellectuals, writers, priests, scientists, and doctors were systematically rounded up and murdered. The systematic and intentional killing continued until 1923, leaving nearly 1.5 million Armenians dead.

There are those who attempt to deny that this atrocity ever occurred. But

there is no denying the overwhelming historical record and eyewitness accounts that documented the appalling events of 1915–23, which occurred during the time of the Ottoman Empire. The United States Ambassador to the Ottoman Empire, Henry Morgenthau, stated at the time that "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this."

The annual remembrance of the Armenian genocide is not a condemnation of our ally, the present day Republic of Turkey. But, our mutual interest with our NATO partner and our friendship with, and respect for, the Turkish people are not reasons to ignore historical fact. Nobel Laureate writer Elie Wiesel has said that the denial of genocide constitutes a "double killing" for it seeks to rewrite history by absolving the perpetrators of violence while ignoring the suffering of the victims.

During my time in the Senate, I have spoken about the Armenian Genocide many times. It is important that we take time to remember and honor the victims, and pay respect to the survivors who are still with us. In addition, we must reaffirm our commitment to ensuring that history is not repeated. This is the highest tribute we can pay to the victims of any genocide.

Mr. President, I urge my colleagues to honor the memory of the 1.5 million Armenian genocide victims by recognizing that there are still those in the world who will stop at nothing to perpetuate campaigns of hate, intolerance, and unthinkable violence. We must do all we can to stop atrocities, like those in the Darfur region of Sudan, from occurring as well as continue to provide adequate recovery aid to survivors. In doing so, we will truly honor the memory of genocide victims and fulfill our responsibilities as a world leader.

Mr. SARBANES. Mr. President, I rise to commemorate the 90th anniversary of the Armenian genocide, the first genocide of the 20th century. One and a half million men, women, and children lost their lives as a result of the violent massacres and extensive deportation carried out by the Ottoman Turkish rulers against their Armenian citizens. Today, as we remember the bravery and sacrifice of the Armenian people in the face of great suffering, we renew our commitment to protecting the fundamental rights and freedoms of all humanity.

Nine decades have passed since the terrible blows that befell the Armenian people in 1915. On April 24 of that year, more than 250 Armenian intellectuals and civic leaders in Constantinople were rounded up and killed, in what was the first step in a systematic plan to exterminate the Armenian popu-

lation in the Ottoman Empire. After the round-up, Armenian soldiers serving in the Ottoman army were segregated into labor battalions and brutally murdered. In towns and villages across Anatolia, Armenian leaders were arrested and killed. Finally, the remaining Armenian population, women, children, and the elderly, were driven from their homes and deported to the Syrian Desert.

In reality, "deportation" was merely a euphemism for death marches. Ottoman Turkish soldiers allowed brigands and released convicts to kill and rape the deportees at will; often the soldiers themselves participated in the attacks. Driven into the desert without food and water, weakened by the long march, hundreds of thousands of Armenians succumbed to starvation. In areas of Anatolia where deportation was not deemed practicable, other vicious actions were undertaken. In the towns along the Black Sea coast, for example, thousands of Armenians were packed on boats and drowned.

The efforts to annihilate the Armenian population were well documented in first-hand accounts, press reports, and other testimony. Henry Morgenthau, the U.S. Ambassador to Turkey at the time, personally made vigorous appeals to stop the genocide, calling it "a campaign of race extermination" and "the greatest horror in history". Leslie Davis, a U.S. diplomat stationed in eastern Anatolia, had a similar account, writing once to the State Department, "it has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not more effective, than I had at first supposed." Even Germany, Ottoman Turkey's own ally, condemned the Turkish "acts of horror."

Despite the testimony from U.S. diplomats who were witness to the events and the abundance of credible, international evidence documenting the Armenian genocide, there are still those who refuse to acknowledge its occurrence. To anyone who doubts this brutal history, I would recommend a visit to the National Archives, where much of the evidence collected by our diplomats, along with survivors' accounts, are stored.

I do not deny that coming to terms with history is a difficult and painful process, as those who lived in South Africa and the countries of the former Soviet bloc can tell us. But the challenge of acceptance does not justify the distortion of truth. Falsifying history insults the memory of those who suffered and threatens our very understanding of justice and humanity.

We have a national interest in seeking that our foreign policy is grounded in the same principles on which this Nation was founded, a respect for the truth, the rule of law, and democratic institutions. Clearly, this was in part the administration's motivation for its recognition last fall of the genocide in Darfur. In his testimony before the